

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHANNON PHILLIPS,

Plaintiff,

v.

STARBUCKS CORPORATION
d/b/a STARBUCKS COFFEE
COMPANY

Defendant.

CIVIL ACTION NO.: 2:19-cv-19432

Hon. Joel H. Slomsky, U.S.D.J.

**PLAINTIFF'S MOTION TO AMEND JUDGMENT TO INCLUDE
COURT-DETERMINED ECONOMIC LOSS AND ATTORNEYS' FEE AWARD**

Pursuant to Fed. R. Civ. P. 59(e), Plaintiff, Shannon Phillips, by and through her undersigned counsel, hereby moves this Court for an Order amending the judgment to include the Court-determined economic loss award. In support thereof, Plaintiff submits the following:

1. On June 12, 2023, following a six (6) day trial, the jury in this matter found that Defendant, Starbucks Corporation d/b/a Starbucks Coffee Company, intentionally discriminated against Plaintiff because of her race in violation of both federal and New Jersey state law [Dkt. Ent. 150].

2. The jury awarded Plaintiff \$600,000 in compensatory damages and \$25,000,000 in punitive damages against Defendant [Dkt. Ent. 150].

3. The jury's verdict did not include any award of backpay or front pay ("economic loss") as the Parties stipulated prior to trial that this measure of damages would be determined by the Court.

4. On June 15, 2023, this Court issued an Order awarding judgment of \$600,000 in compensatory damages and \$25,000,000 in punitive damages in favor of Plaintiff and against Defendant (“Order of Judgment”) [Dkt. Ent. 153].

5. Following the jury’s verdict, this Court directed the Parties to attempt to reach a stipulation as to Plaintiff’s economic loss damages and that, in lieu of such stipulation, an economic loss hearing would be scheduled so that the Court could hear evidence from the Parties’ respective expert witnesses and fix an appropriate economic loss award.

6. The Parties were unable to reach a stipulation on Plaintiff’s economic loss damages.

7. On June 21, 2023, Plaintiff requested that the Court schedule an economic loss hearing which was subsequently scheduled for July 12, 2023 [Dkt. Ent. 160].

8. On July 10, 2023, Defendant requested that the economic loss hearing be postponed by one (1) week because its post-trial motions are due the day after the scheduled hearing.

9. Pursuant to Defendant’s request, the Court rescheduled the July 12th economic loss hearing for July 19, 2023 [Dkt. Ent. 163].

10. Pursuant to Fed. R. Civ. P. 59(e), a party may file a motion “to alter or amend a judgment ... no later than 28 days after the entry of judgment.”

11. The 28-day deadline proscribed by Rule 59(e) falls on July 13th – *before* the presently scheduled economic loss hearing.

12. Because the Court’s Order of Judgment reflected only the jury’s verdict and did not include any economic loss award, Plaintiff now submits her present Motion to amend the judgment to include any economic loss award fixed by the Court during or following the July 19th economic loss hearing (or, alternatively, stipulated to between the Parties).

13. As a prevailing Plaintiff under Title VII, Section 1981, and the NJLAD, Plaintiff is entitled to recover reasonable attorneys' fees and costs. *See* 42 U.S.C.S. § 2000e-5 (Title VII); 42 U.S.C. § 1988 (referencing, *inter alia*, Section 1981); N.J. Stat. 10:5-21.1 (NJLAD).

14. Plaintiff intends to file her fee petition seeking an award of those reasonable attorneys' fees and costs within the 30-day deadline proscribed by D.N.J. Local Rule 54.2.

15. Because the Court's Order of Judgment does not include any award of reasonable attorneys' fees or costs, Plaintiff further submits her present Motion to amend the judgment to include any award of attorneys' fees and costs fixed by the Court following the filing of her fee petition.

16. Plaintiff has timely filed her present Motion.

WHEREFORE, Plaintiff respectfully requests that this Court grant her present Motion and issue an Order in the form attached hereto.

Respectfully submitted,

CONSOLE MATTIACI LAW, LLC

Dated: July 12, 2023

By: /s/ Laura C. Mattiacci
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